

UNITED STATES DISTRICT COURT

for the

Southern District of Indiana

Milton Brown

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Capella University

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Case No.

3:21CV598

(to be filled in by the Clerk's Office)

Jury Trial: (check one)



Yes



No

2021 AUG 13 AM 10:54
U.S. DISTRICT COURT CLERK
NORTHERN DISTRICT
OF INDIANA

FILED

COMPLAINT FOR A CIVIL CASE

NOTICE

Federal Rule of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date, the full name of a person known to be a minor, or a complete financial account number. A filing may include *only*: the last four digits of a social security number, the year of an individual's birth, a minor's initials, and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievances, witness statements, evidence, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

I. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? (check all that apply)

☐

Federal question

☒

Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

American Disability Act (ADA) of 1990 and title III
Rehabilitation Act (1973) and Section 508
HIPAA Standards and provisions (45 CFR Parts 160, 162, and 164)

B. If the Basis for Jurisdiction Is Diversity of Citizenship

1. The Plaintiff(s)

a. If the plaintiff is an individual:

The plaintiff, (name) Milton Brown, is a citizen of
the State of (name) Indiana, OR is a citizen of
(foreign nation) _____

b. If the plaintiff is a corporation, partnership, or other entity:

The plaintiff, (name) _____, is incorporated under
the laws of the State of (name) _____, and has its
principal place of business in the State of (name) _____.
Or is incorporated under the laws of (foreign nation) _____,
and has its principal place of business in (name) _____.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)

a. If the defendant is an individual:

The defendant, (name) _____, is a citizen of
the State of (name) _____, OR is a citizen of
(foreign nation) _____.

b. If the defendant is a corporation, partnership, or other entity:

The defendant, (name) Capella University, is incorporated under
the laws of the State of (name) Minnesota, and has its
principal place of business in the State of (name) Minnesota.
Or is incorporated under the laws of (foreign nation) _____,
and has its principal place of business in (name) _____.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because (explain):

The Defendant Actions Violated Federal Laws, As a Result
The Plaintiff Seeks ADA Violation Maximum
or \$150,000 which ever is greater

II. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Milton Brown

Street Address

P.O. Box 11453

City and County

South Bend, St Joseph County

State and Zip Code

Indiana 46634

Telephone Number

214-417-4723

E-mail Address

eccp2013@gmail.com

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation or other entity. For an individual defendant, include the person's job or title *(if known)*. Attach additional pages if needed.

Defendant No. 1

Name

Job or Title *(if known)*

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address *(if known)*

Capella University
Entity
225 S. 6th St.
Minneapolis, Allegheny County
Minnesota 55402
1 888-227-3552 option 2 or 3
WWW, email, CapellaUniversity.edu,

Defendant No. 2

Name

Job or Title *(if known)*

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address *(if known)*

Defendant No. 3

Name

Job or Title *(if known)*

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address *(if known)*

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

From On or about August 2017 to Present the Staff of Capella University Did, in Fact and Continue to Violated Federal disability Laws Acts to Consider

2017 Dr. Maestas was aware of my Disability Accommodation in which was to make a phone call as needed through out the Course, As a Result Dr. Maestas Disregarded the Accommodation and Contacted me through e-mail and suggested I only Contact him through Via Computer.

2018 Julie Baumberger Capella instructor was aware of my Disability Accommodation stating I had the right to interact with all Professors concerning a Course, As a Result she Failed to disclose proper Contacting Source in a timely matter, so I could've interacted with the other Professor needed to Pass the Course.

2019 Professor Malpass of Capella Staff was aware of my Disability Accommodation, As a Result she spoke of my Condition in front of the entire Class at a Voice level where everyone could hear. Presently as a result of these Actions I Failed the Course twice and while Capella Collect tuition From my Loan Funds And the State of Indiana in Full, two tuitions for One Course, they Fail to return e-mails, telephone Calls to discuss this double clipping issue.

IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

As a Result of me Complaining about these issues Capella Continues to Retaliate against me, by Falsely Allying me of a debt for the last Course when I was Hospitalized for their Staff negligence in which I had an anxiety Attack Near Stroke according to medical Records. As a Result of the Numerous Violations I endured, I should be entitled to Complete my Program Free of any Federal Violations I should be entitled the ADA violation Maximum OR \$ 150,000 which ever is greater.

V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing:

Signature of Plaintiff


